

(SOUTH AFRICA)
A SECOND YORKTOWN

BRITISH TAKE GLOOMY VIEW OF WAR SITUATION.

Fall of Ladysmith Anticipated as a Result of Buller's Unsuccessful Campaign on the Upper Tugela River.

Field Marshal Roberts Expected to Renew the Onslaught by Ordering an Invasion of Free State Territory.

Besieged Garrison to Be Left to Their Fate While a New Plan of Campaign is Forming—British Casualties.

BY DIRECT WIRE TO THE TIMES

NEW YORK, Jan. 30.—[Exclusive Dispatch. Copyright, 1900, by the New York Tribune.]

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It is a confused but thrilling story which the special correspondents of the Daily Mail, Times and other journals tell of the gallant defense of Spionkop, and not a single line of it is discernible to British arms. The responsibility is British. The responsibility of the commandant of the camp, General Kelly-Kenny, is apparently at Roanoke Junction, preparing to co-operate with French and Gatacre. The Times today has a spirited account of three days' operations of French, whose headquarters are in the saddle. French has a force of 10,000 men, mostly on a bridge road north of Colenso, and the Worcesters have set a trap for the Dutch worthy of the Boers themselves.

Hists are too vague to enable any one to form a clear view of future operations. It is not even known whether the bulk of the Sixth Division has left Cape Town. Cavalry reconnaissances have suggested the probability that Roberts intends to carry the war into the enemy's country as soon as possible. That is the policy which military writers are known to favor, but it will leave Ladysmith and Kimberley dependent upon their own failing resources.

There is another consideration which Roberts and Milner cannot afford to overlook. The Cape Colony Dutch have been impeded by the sudden failure of Buller's campaign with an army corps, it may be highly dangerous to send the Sixth Division to Natal. The safest course may be to mass it south of Orange River, reinforce it with the Seventh Division, now beginning to arrive, and then to make a simultaneous attack on the Free State where there are no Boers. The soundest military policy may not be the one which will be most helpful to the Ministers already in command of the moral effect of the fall of Ladysmith. They were held in suspense, and the plan of campaign at an official banquet last night, and the dissecting knife was also in use at a feast of the opposition chiefs. A summary of one of the least promising of the Queen's speeches of her reign was in every newspaper of the day, and the Cabinet was in every

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COAST RECORD
TO JOIN INTERESTS.FRUIT GROWERS AND PACKERS
CONFER AT SAN JOSE.

New Organization Attempting to Get the Banning Establishments to Come into the Combine or Pack for the Association.

Proposition to Be Submitted Monday and an Agreement is Confidentially Expected—Raisin Raisers' Plans not Thought Feasible.

Letter Against Mrs. Gwin in the Famous Perita Land Case—Speyer Has Options on Crocker Stock.

Stocks Return.

(A. P. DAY REPORT.)

HAN JONES, Jan. 29.—The directors of the California Cured Fruits Association have been in conference all day today with the packers. An effort is being made to have the packers come into the association, or at least arrange terms with them to pack for the association. All seem to be willing to do this, but the trouble is to agree on a proper base for the association.

Some of the largest packers are mutual associations, with stock owned by the growers and all sums cleared, over and above expenses, are turned back to the growers. Other packing establishments are purely commercial, so many mutual associations, after having paid the night previous with relatives in Oakland. He claims to have acted in self-defense.

FAIR STATE LITIGATION.

(A. P. NIGHT REPORT.)

SAN FRANCISCO, Jan. 29.—The Fair estate litigation against the Fair estate, it is believed, would follow a decision by the Supreme Court annulling the trust clause by which the late Senator James G. Fair attempted to put into his estate his property in the immediate control of his children—Charles L. Fair, Mrs. Herman Oelrichs and Mrs. W. K. Vanderbilt.

"Upon representation that such a result might be brought about by the event of a decision by the Supreme Court invalidating the trust, Judge Trout has proposed to the Fair estate to have the date of the trial of Mrs. Craven's claim to a family allowance as the widow of Senator Fair, Attorney for the Fair estate, assented to the suggestion that they would listen to a suggestion for a compromise. The attorneys for Mrs. Craven say that she would expect to receive one-third of the estate.

BOHEMIANS BANQUET.

(A. P. NIGHT REPORT.)

SAN FRANCISCO, Jan. 29.—The first annual banquet of the Bohemians of San Francisco, held in the hall tonight over one hundred and fifty members and guests were present. President McKinley sent a letter, regretting that he could not attend. The proceedings were opened by the singing of the national anthem.

Speakers were the Rev. M. S. Levy, Col. H. Nowaksky presiding as toastmaster, James A. Waymire responded to the toast.

Whiting responded to "The Navy," David Stark Jordan to "Our Universities," Frank R. Ladd to "Our Sisters."

James G. Maguire: "The Bohemians," by Judge Hunt: "Our Congressmen in Washington," by T. C. King, and the Rev. W. H. Brode, the toastmaster.

Whiting responded to "Our Guests," by T. J. Crowley: "Our Municipality," by Mayor R. W. Scott of Oakland; "The Boys of America," by Edmund Phillips of Sacramento, chief host; "Our Country Members," by H. B. M. Hearn.

ZETA RETURNS.

(A. P. EARLY A.M. REPORT.)

OAKLAND, Jan. 29.—Carlos Eseta, ex-President of San Salvador, has returned to his home here after a trip of four months' duration to Mexico. It was reported at the time that he did not return when he proposed to regain his freedom if possible, but he denies that such was his intention.

The case was heard by Judge Hawley, who sustained the demand of the court for an injunction. The result would be that the improving of the land would be retarded. A decision in the case of Mrs. Gwin would invalidate the title to all of that land, now valued at millions of dollars.

The government, however, has the property of the company, which it has not been possible to reach.

In his decision, Judge Hawley said that the boundaries as set forth in the decision of 1859 did not include what is now known as San Antonio. One of the principal reasons was that the company had invested at least \$100,000 in the raising of cattle.

He said that the grant of the survey was correct, and that the granting of the petition of Mrs. Gwin would require litigation, which might be expensive.

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BURNS BEATEN.

(CONTINUED FROM FIRST PAGE.)

Atlantic Cable.) The newspaper is paying considerable attention to events in China. The November will last for a long time to come, and then China will never be able to have freedom, and the unavailing work of the Chinese will be accomplished peacefully, though.

The Japanese believe that it is necessary for Russia to take a coup d'état and add a Japanese alliance is inevitable.

At the same time, in the of naval and military force, while it is important that the does not fall into the hands of America, Britain, or Germany.

The paper concludes: We are on the alert and see how the situation affects the interests of Europe above all, those of

ASSEMBLY PATERSON.

The Assembly caused night cut off

and the session was adjourned.

DEMOCRATIC VOTES.

There is something of eight or nine to Democratic votes, and an is for White. Ex-Gov. Budd, who is here in relation to the harbor bill, is giving this matter some attention.

There is some talk of a Republican cause, possibly Thursday.

C. E. WASHBURN.

BOTH HOUSES

ORGANIZED FOR BUSINESS.

PIERCE GALE MAKES WORK FOR FIRE PROTECTION.

WASHINGON, Jan. 29.—The confirmation has reached the State Department of the reported death of Chinese Emperor. Because of the many questions in the way in which he died, a post mortem examination was made, and the coroner's inquest was adjourned.

At the Chinese legation it was immediately noticed that the report on the reported death of the Emperor, and the legation, the son to believe the report true.

BIG FACTORY BURN

OLD OFFICERS RE-ELECTED WITHOUT ANY OPPOSITION.

Gov. Gale's Message to the Assembly—Election of a Senator Named as the Paramount Is—Silent Flings at the Press.

The Harbor Question.

IA. P. NIGHT REPORT.

SACRAMENTO, Jan. 29.—The Senate and Assembly of California today performed its organization to meet in extraordinary session. Much difference of opinion prevailed among the members as to the necessity of reorganizing. The Republican majority of the Assembly held that the time had come when it was conceded that it was necessary to reorganize. This was done by the election of the officers and many of the attaches of the regular session.

The Assemblies did not caucus, and the Republicans, who controlled the building, which contained 600,000 gallons of water upon the floor, generated so much steam that the wall fell upon the Gerritson of the building and carried three firemen with it. It was feared the result would be the same as in having sustained serious damage, but loss is estimated as \$500,000.

Demand for Nine-Hour Day.

CHICAGO, Jan. 29.—The Mayor has decided to have a nine-hour day after a preliminary step, a demand he made on the proprietors of all manufacturing concerns that the factories could have a nine-hour day.

At a time when a strike was

being held in the garment industry, the Mayor, who was

concerned in the election of a United States senator under said act.

FLINGS AT THE PRESS.

The message contained some 7000 words, treating the several purposes for which the Legislature had been called, and the importance of the election of a United States Senator to succeed the Hon. James B. Budd, the attorney.

Mr. Gale, who was responsible for the failure to elect at the regular session were several demands, and the Republicans, who were

in the lead, were to be blamed.

The Governor, as a special

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THE TIMES-MIRROR COMPANY.

M. G. OTIS..... President and General Manager.
HARRY CHANDLER..... Vice-President and Assistant General Manager.
L. E. MOSHER..... Managing Editor.
ALBERT MCFLAND..... Treasurer.
PUBLISHERS OF

The Los Angeles Times

Daily, Weekly, Sunday, and Weekly Magazine.
Vol. 27, No. 58. Founded Dec. 4, 1881.
Nineteenth Year.

NEWS SERVICE—Full Associated Press Night Report, covering the globe; from 15,000 to 20,000 words daily; Sunday, 75 cents a month; Daily, without Sunday, \$7.50 a year; Sunday, \$2.50. Magazine Section out, \$2.50; Weekly, \$1.50.

SWORN CIRCULATION—Daily, net average for 1906, 18,091; Daily net average for 1907, 19,000.

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Offices: Times Building, First and Broadway.

Entered at the Los Angeles Postoffice for transmission as mail matter of the second class.

AMUSEMENTS TONIGHT.

BURBANK. Paul Jones.

OPHEUM. Vanderveil.

TEN DOLLARS REWARD.

The Times offers a reward of \$10 in cash for the apprehension, arrest and evidence which leads to conviction of any person caught stealing copies of The Times from the premises of subscribers.

THE TIMES-MIRROR COMPANY.

THE FIRST DAY.

The Dan Burns forces have already received a double setback, the first being in the form of a postponement of a vote to one week from today, and the second being the desertion from the Burns camp of Senator Burnett of San Francisco. There is every indication that the colonel and his gang are worried and rattled because of their failure to go at the immediate business of balancing for a Senator today. Their failure to take any judgment has decidedly discomfited the unwholesome outfit.

The opposition to the railroad bancers now has an entire week in which to organize and defeat the nefarious purpose for which the extra session was called—that of electing a man with a ready record to the office of United States Senator. This can be done by refusing to play into the hands of the gang. It is not at all probable that an extra session would have been called had it not been presumed that a Burns caucus would be held, thus enabling Mr. Herrin's man Friday to succeed in his ambition to become the successor of the Hon. Stephen M. White. It is well, in peace as well as in war, to carefully refrain from making the move that your enemy wishes you to make. The Burns bandits are clamorous for a caucus. Therefore a caucus is just the thing that should not be held.

As The Times has before suggested, a conference among the anti-Burns men in the Legislature is entirely in order. When such a conference has been held, and when a candidate has been agreed upon, he should be voted for continually until he is elected, or until the Legislature adjourns, rather than that the railroad should succeed in its dastardly purpose to destroy the Republican party of this State and to disonor its people.

With a force of fifty-five against thirty there can be no excuse for not defeating Burns and no reason why some man satisfactory to the majority of the Republicans of the Legislature shall not be elected.

There is a magnificent opportunity not only to do a patriotic duty at Sacramento, but to do first-class politics. The first duty is one that should engage the thought of all representatives alike, whether Democrats or Republicans. The election of Dan Burns would be as much of a reflection upon a Democrat as it would upon the party to which Burns has been a bone so long in the purloin of San Francisco. The people of the State are at the mercy of the men who represent them in the Legislature that has been called in session at the State Capitol. It is for these legislators to protect the interest and honor of their constituents by selecting for the high office of Senator a man who shall fitly represent the greatest State in the American Union.

The battle that is to confront the country in the fall of the current year cannot be fought successfully with obsolescent weapons and with discredited generals. Shall it be made apparent that the Southern Pacific Railroad is the dominant power in the Republican party of this State, the people will turn and rend the men responsible for this state of affairs as well as the party itself.

The breathing spell of a week, which has been given us because of the failure of the Burns gang to commence their indecent raid today, is a decided defeat to those forces, as has already been said, and a matter for great encouragement to the respectable and decent men in the Republican party, who demand that a man and a gentleman, a statesman, a scholar, a man of affairs, shall be elected to the office of Senator, and not a creature with neither social, business nor political standing in the community of California.

The commencement at Sacramento is well. There cannot be failure for the right if our representatives will do their duty.

ABUSE OF FREE SPEECH.

On the floor of the United States Senate, yesterday, Mr. Platt of Connecticut, after listening to one of Billy Mason's harangues, arose and said that he deserved to enter his protest against "the abuse of free speech on the floor of the Senate."

Mr. Platt's protest was timely.

It may not have the effect of stopping the abuse referred to, but it serves to call attention to the fact that the privileges of free speech are often abused, even on the floor of the highest legislative body in the land.

Mason's harangue, which called out the protest of Senator Platt, consisted principally of a violent attack upon the government of Great Britain and on the Senate Committee on Foreign Relations. The committee was denounced for having taken no action upon the resolution of sympathy for the Boers, recently submitted to it. The British government was denounced on general principles for having accepted the gage of battle so inadequately thrown down by the Kruger oligarchy in South Africa.

As to the resolution of sympathy in question, the Committee on Foreign Relations is perhaps censurable, though not exactly in the way desired by Billy Mason. As our government is neutral as between the combatants in South Africa, it would be a gross breach of courtesy for Congress, or either house of Congress, or for any officer of the government, as such, to express sympathy for either side, in an official manner. Such action, as any person not a gibbering idiot can readily perceive, would be a wanton and unwarranted insult to one of the other combatants.

Mason, Tillman, Pettigrew, and the half dozen other blatherskites in Congress who are yapping for the adoption of resolutions of sympathy for the Boers if they possessed a modicum of horse sense, would perceive that the adoption of the resolutions which they are advocating would be virtually tantamount to a declaration of war against Great Britain; and no person in his right mind, whether direction his personal sympathies may take, will seriously argue that good—for the principle of "the greatest good to the greatest number" must be kept steadily in view.

On the same principle, if any provision of the tariff laws is to be found to favor the formation of trusts, in any particular line of industry, to such an extent that the repeal or amendment of such provision would destroy the trust in a given industry, or render it harmless, there should be no hesitation about the repeal or amendment of the law in such manner as to effect the desired result.

Obviously, if the duty on any article of import be made the basis of a trade combination for purposes of extortion, or to crush competition, the duty on that particular article should be taken off at the earliest possible opportunity. American producers who combine against the interests of American consumers are not entitled to the benefits of tariff protection, especially if such protection aids them in the work of extortion.

The Chief of Police is after the Chinese lotteries. All of which is most excellent. When he has corralled all the Mongolians in the lottery business there are "others" that he may find it necessary to attend to, if they do not mean their ways. The white man who sells lottery tickets is not better, before the law, than a Chinaman. That other than Chinese lottery tickets are being sold in Los Angeles the Chief evidently knows. The whole business ought to be stopped, and it looks as if Chief Elton is the man to do it.

The ring of potehouse politicians in San Francisco that are attempting to force the election of a man to the United States Senate that the people do not want can be defeated if the people will but do their duty by expressing their sentiments on this question to their representatives in the Legislature. The time to do this is now, before the damage is done.

TRUSTS AND THE TARIFF.

It is a claim frequently made by opponents of the protective tariff system that "the tariff fosters trusts." Many advocates of free trade go so far as to declare that "the tariff is the father of all trusts," and that it is almost wholly responsible for the recent extensive development of trusts in the United States. In answer to this absurd contention it is hardly necessary to say more, in passing, than to point out the fact that free-trade England, as late as Mr. Blaine sentimentally observed, "is plastered with trusts." Certainly, whatever may be the cause of the development of industrial combinations or trusts, in the United States, the growth of these institutions in England and they are essentially the same in character in England as they are in the United States—cannot with any appearance of plausibility be charged to tariff protection; for Great Britain has been virtually without tariff protection since the repeal of the corn laws, more than half a century ago.

It is perhaps true that in some cases the organizers and promoters of trusts in the United States are aided by the tariff, which serves in some degree to keep out foreign competition, and to secure the American market to the American producer. It is also true, beyond a doubt, that the Constitution of the United States, in several of its provisions, favors the formation of trusts. The Constitution provides, for example, that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." This clause of the Constitution makes it possible for trusts and corporations to organize in one State and to do business without restriction in all the other States. As a matter of fact, most of the trusts which have come into existence within the few years last past have been organized in the State of New Jersey, for the reason that the laws of that State are less rigorous, and taxation is lighter, than in most of the other States. But our free-trade friends would hardly advocate the abrogation of the Constitution, if that would be necessary to have the tariff removed.

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WORK TO BE DONE.

At last the Carlists have been heard from. A few days ago at Valencia pesterous, and the rest of the coterie of malcontents and mischief-makers, in this matter, is not so much to aid the Boers as to make political capital, so far as they are able, against the McKinley administration. Their yawn is directed chiefly to that end, though they seek to pose as disinterested champions of the people of the United States, to whom the American people have chosen to represent them.

The real purpose of Pettigrew the pesterous, and the rest of the coterie of malcontents and mischief-makers, in this matter, is not so much to aid the Boers as to make political capital, so far as they are able, against the McKinley administration. Their yawn is directed chiefly to that end, though they seek to pose as disinterested champions of the people of the United States, to whom the American people have chosen to represent them.

We are so used to the interference of that corporation in the political affairs in California that possibly we do not appreciate, to the limit, the sublime slyness of that corporation in picking out the most unworthy man in the State for election to the highest office in the gift of the people. It is time that the public conscience was aroused to the conduct of the railroad cohorts at Sacramento. There are no Republicans in Los Angeles, outside of the gang, that favor the election of Dan Burns, therefore it is distinctly the duty of the County Republican Committee to follow the lead of Santa Barbara and enter an immediate protest against the election of the mandarin candidate who has a record which smells higher than the heavens.

The way for the honest men in the Legislature to defeat Dan Burns is by combining against him. His wind bag is easily punctured if the opposition will but take advantage of the opportunity and use its power with discretion. There can be no excuse given that will satisfy the people of California if the railroad gang shall prove successful in its attempt to debauch and dishonor them.

Any one inclined to disbelieve that rain falls alike upon the just and the unjust is requested to note that it is raining in Sacramento, where the touts of Dan Burns are now swarming.

HOW THEY STOOD.

It may be interesting to the people of California to know how the Legislature stood at the time of the taking of the last ballot for United States Senator in regular session on Saturday, March 18, 1897. The vote given below is that of the majority, details of the Democratic minority being omitted:

For U. S. Grant: Senators Boyce, Currier, Cutler, Jones, Maged, Nutt, Senn, Trout; Assembliesmen Bliss, Blood, Cargill, Chynoweth, Clark, Crowley, Dale, De Lancie, Greenwell, Huber, Le Baron, McDonald of Alameda, McDonald of Tuolumne, Merrill, Merritt, Messer, Milne (Ind.), Milne, Radcliffe, Raub, Robinson, Works. Total 30.

For D. M. Burns: Senators Bettman, Burnett, Hoy, Laird, Leavitt, Shortridge, Simpson, Wolfe; Assembliesmen Anderson, Atherton, Belshaw, Boynton, Brown, Clough, Conrey, Knights, Knowland, Lardner, Melick, Valentine. Total 18.

For Irving Scott: Senators Davis, Flint, Rowell; Assembliesman Dunlap. Total 4.

For Van R. Paterson: Senators Langford (Dem.), Taylor; Assembliesmen LaBree, Muenter. Total 4.

For M. E. Estee: Assembliesman Wade. Total 1.

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(THE PUBLIC SERVICE)
COUNSEL RETAINED.

**LEE & SCOTT FOR THE CITY IN
WATER LITIGATION**

Will Get Five Thousand Dollars a Year
Closing Ordinance Passed—Engine-
house Bids—Lake Shore
Avenue.

**Contest Over the Will of an Alaskan
Miner, Who Forgot His Wife and
Children, Now in
Court.**

**Banning's Story of the Kemp Episode.
The Balleiners Sued—Judge Trask
Overturns a Coroner's
Custom.**

The Council has voted to retain Lee & Scott as attorneys for the city in the water-bond litigation. The firm will receive \$5000 per annum for its services. The members of the Water Supply Committee were unable to agree upon a report, so the matter was referred to the Council without recommendation.

The Senate has voted yesterday by a unanimous vote, over the Mayor's veto, to accept the ordinance providing for a city seal of weights and measures. The ordinance has been under consideration for several weeks, and the Mayor referred it back to the Council on account of a provision regarding screens, but the Council declined to act without change.

The bid of the Meek Baking Company to maintain a firehouse for the City Hall for the ensuing year at 24 cents per pound, was accepted.

In regard to the location of a footway for the Broadway tunnel, on California street to Upper Broadway, the engineer said the city should object to its adoption.

When the report came to the Council, Mr. Todd said his objection was based solely on the fact that the bid was not the lowest.

Mr. Todd did not object to the award of the contract to the firm of C. Kubach and F. Bicknell and Mrs. M. A. P. Smith, who referred to the engineer's report in the morning session to embody such a recommendation in the report, but was unable to convince his colleagues and the members of the Fire Commission that such was the wise course.

A communication from the Native Sons of the Golden West, relative to the construction of the new engine house was accepted by the Council yesterday. There was a lower bid presented by Weber & Hassé, and it is stated that the city will be enjoined from proceeding with the work, and compelled to show cause why the lower bid was accepted.

The long-expected order from the Council authorizing the Fire Commission to place the new engine companies in service as fast as possible was given yesterday. The ordinance has not been reported.

With the exception of the city officials, the bid of Charles Stansbury for the improvement of Lake Shore avenue from Sunset boulevard to Hoyt street was accepted by the Council yesterday. It had been expected that the work would be postponed on some pretext until the beginning of the fiscal year.

The ordinance providing for a city seal of weights and measures was referred to the Finance Committee by the Council yesterday. The Finance Committee makes the office self-sustaining, and fixes certain fees to be charged for the inspection of devices for weighing and measuring.

Mrs. J. E. Hoyt, who was given by her husband in his will of having been unfaithful to him, and cut off with \$1,000, is to sue for damages in Hoyt's court. She avers that her husband, under the undue influence of his mother, Mrs. Hunter, to whom he left his property, Hoyt was a returned Alaskan miner.

J. B. Banning told his story in the Kemp damage suit yesterday, and the case will be given to the jury this morning.

McGarvin & Bronson sued Mrs. Marie Balleiner and her husband in Judge Alcott's court yesterday for \$10,000, al- leged to be due for services rendered in bringing peace to an unhappy household, when the husband and wife were at odds.

Judge Trask has rendered an opinion against the duty of the County Treasurer to turn over plunder, taken from the dead by the coroner, to the legal representatives of the deceased. Before the Treasurer has retained the same to pay the costs of the inquest.

Charles Moore of Downey was arrested for horse thieving in Banning's court yesterday.

The Los Angeles Tractor Company yesterday for \$1000 damages by Mrs. Mary Lloyd Adams.

**[AT THE CITY HALL]
LEGAL TALENT EMPLOYED.**

**COUNCIL RETAINS THE FIRM OF
LEE & SCOTT.**

**Compensation \$5000 Per Year for
Counsel in the Water Litigation.
Sunday-closing Law Passed Over
the Mayor's Veto—Also—street En-
gine-house Bids—Fire Department.**

**The Council voted unanimously yes-
terday to employ the law firm of Lee & Scott as counsel in the water litiga-
tion cases, at an annual compensation
of \$5000. There has been a marked
difference of opinion among the mem-
bers of the Council regarding the wis-
dom of the Council's action.**

**Several of the members of the Council thought it would be best to em-
ploy the attorneys by the individual
case, than to pay them a stated sum per year. On one point, however,
the members seemed to be in agreement,
that was the necessity of additional
legal talent to prosecute the water lit-
igation now pending in the courts.**

**The Council voted unanimously yes-
terday. For nearly an hour Mr. T. C. Toll, City Attorney Haas and the
other members of the Council gave vent
to their feelings on the water question.
They brought the matter to the attention of the Council late in the day afternoon. He said the Water
Committee had been unable to agree upon a report, and when he presented
the communication to the Council, he
stated November 23, stating their terms to the communication.**

**After the communication had been
read, Mr. Pierce moved that the propo-
sition of the attorneys be accepted, and
that the city be bound by the pro-
posed contract. Mr. Toll seconded the
motion in a thirty-minute speech.**

**Messrs. Standard and Pierce said
that the amount of money to be paid
to the attorneys as possible, but they
favored hiring the attorneys for the case.**

**Mr. Pierce said the city had
great interest in the case, and that
the money was a mere bagatelle to
the revenue the city would receive, once
the question was settled in favor of the
city.**

**City Attorney Haas said he did not
want to be placed in the position of
asking for the employment of the firm.
If the Council wished him to go ahead
and do it, he could, and would, gladly do so. For the best interests of
the city and the successful prosecu-
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TUESDAY, JANUARY 30, 1900.

good crackers, than the best now anything Biscuit is for or should be in the oven breakfast instead of using toast or muffins.

HANNING'S STORY.
HOW KEMP WAS WETTED.

The trial of J. W. Kemp, Esq.'s, \$50,000 damage suit was resumed in Judge Finney's court yesterday. The defense had already begun its case when the cause was continued on Thursday. The feature yesterday was the testimony of J. B. Elliott, president of the Banning Company, who figured in keeping the alleged indignities upon Mrs. Hoyt last summer at Avalon, that Mrs. Hoyt's \$50,000 action can begin to settle.

Banning said that he was on the water when Kemp sailed into the bay on October 14, in the boat J. C. Elliott. Money that was transferred to him was promptly paid, and the boat anchored out of distance in the bay.

"Did you use any coarse language with him?" asked Banning's attorney, Walter Trask, Esq. Kemp had said that Banning told Elliott to pull away there, using words to the effect, "No, that was the answer, and Banning said it with emphasis.

He then told how Kemp had landed through the surf and swam to where a crowd had gathered, "continued Banning, "and I saw Kemp on the beach, his pants pulled down, his hands at his sides. I took hold of his arm and pulled him toward the rear of the bathhouse. He was very angry, I was then pulled up upon his shoulders, then came up upon me, took me to be employed of the company. I told them to put him off the premises, and he went away. They, however, were so slow that I pushed him again myself. But he was away again, and I then understood him to be successful in dragging him out, and he held a rock in his left hand."

"I then pushed him down to the water again. A little wave came in and bathed our ankles. He kept holding onto me, and he accidentally struck me in the eye, driving me down astride of him. My hands were on his shoulders.

"When I tried to break away, he pushed me again. I then swam and fastened hold to a beam of the bathhouse over us. We kept struggling. Finally Kemp got his arms around me. I always have been a swimmer, and I was pretty wet, I guess. Not knowing what might happen, I pulled him into the water. I guess he could be tabulated and fled away, they might in future become very valuable, if ever it became necessary to use them for any purpose, in view of the fact that they are not true of localities outside of incorporated cities. Such data could easily be gathered without difficulty by the public, and no industry, especially performing the ground, and as much as the public, or other country, could be powerless to do anything to prevent the suggestion. It has been made that it is directly within the province of the Chamber of Commerce."

"The supervisor is to be made that the bathhouse is the only property that the public can use, and that the property will be used for community property. So nothing with makes Mrs. Hoyt's case half of it."

From the stand yesterday Mrs. Hoyt stated that she could not get her husband's body removed from the frozen snow. Before he died, she was not able to get him to do what she wanted him to do, and the family might be supported and after the Alaska trip, Mrs. Hoyt, one of the daughters, corroborated this testimony, and further that her father had been moved to the County Hospital, and the other daughters were being kept from their work.

"You say that the water comes under the bathhouse; have you any facts to have that bathhouse on the property?"

"No, sir," asked Attorney Trask.

"Do you use any profanity under the bathhouse?" Mr. Kemp said you did."

"The officers then arrested him for disturbing the peace and took him to the police bureau.

"Here the explanation is to be made that Avalon's butcher was Avalon's Justice of the Peace. But the case against Kemp was quite dimissive.

"I never had the least intention of ducking Mr. Kemp," concluded Banning, "but I pulled him into the water."

"Well, did you do either of those things?" asked Attorney Trask.

"Did you use any profanity under the bathhouse?" Mr. Kemp said you did."

"No, sir,"

"I just then without any license."

"A long discussion took place as to the exact situation and boundaries of the property strip. Mr. Banning finally conceded that the line was not definitely established on the tract.

After a brief rebuttal, Attorney Wellborn again came to the jury that their right to speak, whereupon court adjourned till this morning, when instructions will be read to the jury, and the case will be put into its hands.

INDIAN BOY ACQUITTED.
WAS NOT A HORSE-THIEF.

Charles Moore, a good-looking half-breed Indian, was on trial yesterday before Judge Smith and a jury in Department One, charged with horse-stealing. In other words, his defense was horse-stealing. During the month of last December, Moore, a half-breed from the pasture of Mr. H. H. Scott, near Chatsworth, and company with Arthur D. Dangler, who also left on a horse to Newton. They are said to have been on the big Simi ranch in the Simi Valley, and the two were held to answer trial. The charge was that he was disengaged from his mother upon his return to the Simi Valley, and the family might be supported and after the Alaska trip, Mrs. Hoyt, one of the daughters, corroborated this testimony, and further that her father had been moved to the County Hospital, and the other daughters were being kept from their work.

"You say that the water comes under the bathhouse; have you any facts to have that bathhouse on the property?"

"No, sir,"

"The cross-examination of Banning was not long. It was necessary for me to sew in order the family might be supported and after the Alaska trip, Mrs. Hoyt, one of the daughters, corroborated this testimony, and further that her father had been moved to the County Hospital, and the other daughters were being kept from their work.

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ARIZONA.

COIN NEEDED TO PUSH THE STATEHOOD CAMPAIGN.

Delegation to Boom the Bills Before Congress Expected to Start for Washington Early Next Month.

Movement of Cattle from California to the Territory Barred and a Bunch is Headed Off and Held.

Phoenix City Government Costs More Than the Receipts Amount To. Best Game of Football Played.

PHOENIX (Ariz.) Jan. 25.—[Negro Correspondence.] The vigorous pushing of the Statehood campaign now appears to depend only on the report of the Arizona sub-committee on the delegation that is to go to Washington, and estimates on the proper amount vary from \$2000 to \$4000. The railroads will grant half-fare rates to the delegates. At a meeting of the Executive Committee of the General Statehood Committee held in Phoenix, a resolution was adopted calling for the introduction of a new Statehood bill in the Senate, and asking Delegate Wilson to secure the postponement of consideration of either House or Senate measure until the arrival of the Statehood delegation. Washington. Jesse R. Grant of Nogales was added to the membership of the delegation. Col. William Christy, chairman of the Finance Committee, resigned on account of ill health, and Mrs. Oster of New Mexico is expected to be in Phoenix soon to take the place of Gov. Murphy for a week, the time to join the Statehood boomers on their journey.

The Supreme Court today heard argument on a motion to remand for a new trial the case of the United States against the Copper Queen Consolidated Mining Company and others. The trial is on wherein the United States seeks to recover from the mining company \$1,000,000 in silver alleged to have been illegally taken by Indians in non-mineral ground. The company secured a judgment in the lower court on the ground that the land stripped of timber was mining ground. The case has been fought in the Arizona courts for about ten years. One of the features of the current hearing is that the cause for the defendant and appellee is Mrs. T. R. Borth, daughter of Judge William Borth, the best-known attorney in the state, the only woman admitted to practice before the Arizona Supreme Court. She is a lawyer of ability, and her arguments are concise and lawyer-like, delivered with all self-possession.

The decision concerning the legality of the Indian bonds of the United States at the Prescott and Arizona Central Railroads has been clinched by the denial in the Supreme Court of a motion for re-hearing. The court has decided a large number of civil appeal cases, but judgments have not yet been rendered.

An effort is being made toward the passage of an act permitting appeals to be taken from judgments of the Arizona Supreme Court to the United States Circuit Court at San Francisco. At present appeals must pass to the Supreme Court of the United States at Washington.

Under the terms of an act of Congress, the Eastern Day Schools is forbidden to have property in the state. The act was especially leveled at the central branch of the Mormon church in Salt Lake, but it covers all the minor organizations of the religion.

Objection to the act was made by the Mormon church, which has appointed, three trustees, who will be the ecclesiastical property of the Mormon wards of Alton, Nauvoo and Lodi, about twenty miles east of Phoenix.

The general public is not aware of the fact that while cattle may be freely moved from the interior of California, any movement of live stock in the contrary direction is barred both by United States and Territorial live stock sanitary regulations.

Under the terms of the act, the courts will probably be called upon to decide the question.

In the report of the Finance Committee of the City Council, it has been developed that the Phoenix city government from May 1, 1899, to January 15, 1900, cost \$2,261,000, a larger sum than the receipts of \$2,700,000, taxes returned an income of \$23,112; licenses, \$10,972; fines, \$1000, and \$438. Water rents paid only about \$500, a sum which is about one thousand dollars per annum to maintain running water in the city ditches. For 1899, police expense was \$3157, fire department, \$10,140, sprinkling \$200. The Council is opposed to indiscriminately granting liquor licenses, and, to shut out the smaller groups, has raised the license tax from \$25 to quarter to a dollar. No license will hereafter be issued without a petition of twenty freeholders residing in the place where the license is to be established. A similar petition must be presented every three months, and the license may be revoked for conduct unbecoming of a public officer.

With the annexation of Mexico, the social evil is to be again thrust back from the border of the municipality or settled. The City Council has voted to strictly enforce against the cribs the city and Territorial laws.

Registration has been ordered for the new citizens, and the question will be determined whether the freeholders wish to bond the municipality for waterworks and sewerage systems.

There is no provision in the language of the Congressional act.

makes no provision for the purchase of the present bonds. Tucson after voting bonds for a large sum of an estimated amount, was found bound up to secure title, under the act's limitations, and has appealed to Congress for relief.

The gentlemen of A. Long, the departing City Assessor, have settled with the city for \$4000, about \$600 less

THE MAN OF THE WEEK.



SIR ARTHUR J. BALFOUR.

The coming session of British Parliament will probably be a very interesting one, and it will bring out the qualities of the political leaders of all factions. The governmental party has no stronger individual than Sir Arthur Balfour, and his leadership among men as well as by the strength of his arguments and breadth of his wisdom in speaking to the assemblies. He has also the Lord of the Treasury who conducted his affairs in a manner which won the approval of all parties. In the most bitter fight in the House, while his opponents spoke of him in the most severe language possible, they never failed to appreciate his excellent qualities of mind and character. He is a young man, by comparison with many statesmen of Great Britain, but he is one of the most able and courageous of our leaders. He is the pride of the whole of England, and he may be expected to look out for the interests of the government with an ability and effectiveness which will count for much in shaping the opinions of the British public and the measures enacted by their Parliament.

than the judgment appealed by them to the Territorial Supreme Court.

Al. Arthur, formerly city sheriff and secretary of the Phoenix fire department, has been elected to the city council in an absence of several weeks. It has been told in these columns that he deserted his office after a spree, in which he spent \$1000, and was then unable to be found.

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